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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT

PAPER NUMBER

1792

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Specification***

1. The substitute specification is acknowledged and entered, and overcomes the specification objections of the previous Office Action.

#### ***Claim Objections***

2. The amendments in response to the Claim Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.
3. The rejections regarding the “use” claims of the previous Office Action are withdrawn in view of amendments.

#### ***Claim Rejections - 35 USC § 112***

4. The amendments in response to the 35 USC 112 rejections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the rejections, except if repeated.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1,5,9,10,11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for screen printing, does not reasonably provide enablement for any transfer printing process which encompasses stamp printing, gravure, flexography, etc.

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to carry out the invention commensurate in scope with these claims.

The specification is explicitly directed to screen printing of the non-uniform coatings on air bag fabric; see PCT abstract; page 2, 29-33; page 4, 25-26; etc.

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Applicants argue the coating means is supported in the specification. This rejection is not about non-enablement but rather scope of enablement. The Examiner agrees that screen printing is supported but the claims extend beyond the scope of what is in the specification. The rejection is maintained.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 5,9-11 are vague and indefinite because the structure of the apparatus claims differs from that of the structural aspects of the method claims such that it is unclear that the apparatus of the apparatus claims is capable of carrying out the method; for examination, any apparatus containing the limitations of the apparatus claims will be considered to read on these claims.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzel US 5110666 in view of Tanase US 2002/0017775.

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Menzel teaches a method and apparatus for coating portions of woven fabric for air bag components from unwind roller 80, the “sheetlike” fabric moves via rollers to coating head 41 which also comprises knife blade 42 which appears to be useful for cutting uncoated fabric 12 just prior to coating (col. 5, 47-55). Coated fabric is then heated at oven 43 and transported to wind-up roller 90. The coater may be a screen printer which by definition comprises a shaped screen (= mesh/sieve) with covered and uncovered screen portions (“areal portions”) forming a pattern through which coating material is forced to the substrate to form patterned coatings corresponding to the open areas of the screen portions. The screen/mesh per se is otherwise inherently impermeable. Menzel further discloses (col. 1, 55-61) that it is known and conventional to cut and trim neoprene rubber coated fabric into components prior to final fabrication ; however uncoated cut areas tend to fray during cutting and trimming (requiring or suggesting discarding waste portions).

Collectively, Menzel teaches a continuous coating method to coat woven air bag fabric components which conventionally may be neoprene coated, and further selectively coating portions of the fabric using screen printing, followed by thermal treatment, cutting/trimming, and roll-up. However, Tanase in [052] teaches to cut and bore a woven fabric into a shape, coating to form a coated fabric portion, and further formation to make an air bag. Coating is further disclosed by the prior art to prevent fraying of fabric edges. As to claims 3,6 optimization of coating thickness by adjusting amount/ mass of coating material delivered to a coater would have been an obvious modification within the purview of one of ordinary skill to form desired coating characteristics.

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At to apparatus claims 5,9-11, the combination of prior art sets forth a method requiring an apparatus consecutively comprising a cutting station (Tanase), coating station, and drying/heating station (Menzel, col. 7, 13-14;EX. 1; etc).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method / apparatus of Menzel on cut areas of woven fabric components for an air bag following a cutting step as set forth in the overall method steps of Tanase for the forming of air bag portions prior to assembly while also preventing fraying of the fabric edges.

### ***Response to Arguments***

Applicants arguments related to the prior art has been reviewed. Applicants argue Menzel teaches away from cutting prior to coating. The Examiner disagrees that this argument is even pertinent. Tanase sets forth that an air bag is formed by cutting a base cloth to a predetermined shape, bored to form holes, coated to form a coating layer, and folded/assembled into a air bag assembly. This is a short passage, but it still discloses that it is known in the prior art that air bag fabric is cut prior to at least one coating step in the basic process of forming air bags, including cutting BEFORE coating. Menzel is specifically directed to coating steps including screen printing, followed by drying and additional CUTTING. Applicant's claims fail to prohibit additional steps, including those of additional cutting. Thus the "teaching away" and combinability arguments are not persuasive.

As to Applicants' arguments that the prior art does not teach nor suggest to discard after cutting residual waste portions, the implication that such a step defines patentability over the prior art is simply not persuasive. It is readily within the purview of one of ordinary skill that

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after cutting, trimming, slicing, etc that waste is removed and discarded or recycled as appropriate. Clearly the manufacturing process would be hindered by piles of waste debris being left on a process line and the discarding/ removal of such waste is apparent. Such waste would interfere with processing, would impede access of individuals to the line, and potentially present safety issues. Put another way, there is simply no reason why one of ordinary skill would not remove waste material from the process line. It is well-established that the artisan is presumed to know something about the art apart from what the references disclose, In re Jacoby 135 USPQ 317; The conclusion of obviousness may be made from “common sense” and “common knowledge” of the person of ordinary skill, In re Bozek 163 USPQ 545. In response to Applicants argument that there is no teaching nor suggestion to combine the cited prior art, Applicants are reminded that KSR 82 USPQ2d 1396 forecloses the argument that a specific teaching, suggestion, or motivation is required to establish a prima facie case of obviousness. KSR establishes that design incentives, market forces, predictability, use of ordinary skill and common sense, and ordinary capabilities or ingenuity of one skilled in the art articulated by the Examiner may be relied upon to support obviousness. In this case, removal of waste/ residual cut fabric is a matter of the use of ordinary skill and common sense, and ordinary capabilities or ingenuity of one skilled in the art as articulated above by the Examiner, and is not a leap in technological know-how. Applicants arguments are not convincing; Applicants claims fail to patentably distinguish over the prior art. The rejection of claims 1-11 are maintained.

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frederick J. Parker  
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